

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8273 OF 2005

Noor Alam Naimulla Khan. ...Applicant
V/s.
The State of Maharashtra. ...Respondent

Mr.Shahid Azami for Applicant.
Ms.S.D. Shinde, APP for State.

CORAM : V.M. KANADE, J.

DATED : JANUARY 16, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant was arrested by Ghatkopar Police Station in connection with an offence punishable under Sections 395, 397, 342, 452 read with Sections 25 and 27 of the Arms Act, which was registered by Ghatkopar Police Station vide C.R.No.86 of 2004.

2. The prosecution case is that the applicant alongwith others entered the shop of the complainant and committed dacoity by pointing a revolver on the complainant and decamped after taking Rs.90,000/- from

the drawer. The applicant was arrested on 14th June, 2004. The applicant has been identified by the complainant and other witnesses. The applicant earlier was tried by the MCOC Court in MCOC Case No.8/2004. The Special Court acquitted the applicant from the MCOC charges. He was convicted for the offence punishable under Sections 392, 397 read with Section 34 of the IPC and sentenced to suffer R.I. for seven years. Against the said order, the applicant has preferred an appeal in this Court which has been admitted and he has been released on bail.

3. The learned Counsel for the applicant submits that test identification parade has not been properly held according to High Court Manual. It is submitted that the applicant is in custody for more than two years.

4. Considering the past antecedents of the applicant, in my view, this is not a fit case for grant of bail. Application for bail, therefore, is rejected. The Sessions Court, however, is directed to expedite the

hearing of the trial. If the trial is not over within a period of one year, liberty is granted to the applicant to apply for bail again.

(V.M. KANADE, J.)